

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

JOINT MOTION TO EXCEED PAGE LIMITATIONS

NOW COME Plaintiff CSX Transportation, Inc. (“CSXT”), and Defendants Norfolk Southern Railway Company (“NS”), and Norfolk & Portsmouth Belt Line Railroad Company (“NPBL”) (collectively, the “Parties”), by counsel, and hereby move to exceed the page limitations contained in Local Rule 7(F)(3) for their responsive and rebuttal briefs relating to Defendants’ Motions for Summary Judgment. In support of this Motion, the Parties state:

1. Local Rule 7(F)(3) states that “[e]xcept for good cause shown in advance of filing,” opening and responsive briefs shall not exceed thirty (30) pages in length, and rebuttal briefs shall not exceed twenty (20) pages.
2. On March 26, 2021, Defendants sought leave to exceed the 30-page limitation for their opening memoranda in support of their Motions for Summary Judgment. *See* ECF Nos. 289, 290. On April 2, 2021, for good cause shown, the Court authorized Defendants to file opening briefs not exceeding forty (40) pages. ECF No. 293.

3. The Parties now jointly move the Court for commensurate enlargements for the remainder of the briefing on Defendants' dispositive motions. The Parties ask that Plaintiff CSXT be permitted responsive briefs of forty (40) pages each if CSXT files two separate oppositions to Defendants' motions or, if CSXT instead elects to file a consolidated response to Defendants' motions, it will be afforded seventy (70) pages for such consolidated response. The Parties ask that Defendants each be permitted to file a rebuttal brief not to exceed twenty-five (25) pages. These enlargements will allow the Parties to address comprehensively the facts and legal arguments at issue in Defendants' dispositive motions and are premised on the same good cause shown by Defendants in their March 26 motion for enlargement of opening briefing. *See* ECF Nos. 289, 290.

WHEREFORE, the Parties, by counsel, request that this Court grant this Joint Motion to Exceed Page Limitations and enter the Parties' Proposed Order, attached as Exhibit 1.

Respectfully submitted this 16th day of April, 2021.

CSX TRANSPORTATION, INC.

By its attorneys,

/s/ Robert W. McFarland

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CERTIFICATE OF SERVICE

I certify that on this 16th day of April, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

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